IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MS JUSTICE G.ROHINI**

**WRIT PETITION NO : 16190 of 2004**

Between:

Medikonda Subbamma, W/o. Pandi Bhojaraju,
Tatiparthivariplem, Inkollu Mandal, Prakasam District.

**..... PETITIONER**

AND

1 The Joint Collector, Prakasam District at Ongole
2 The Revenue Divisional Officer, Prakasam District at Ongole.
3 The Mandal Revenue Officer, Inkollu Mandal, Prakasam District.

**.....RESPONDENT(S)**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the 1st respondent in dismissing the appeal summarily in his proceedings Rc. CS 2/3396/2004, dated 3-9-2004 as arbitrary, illegal and consequently direct the respondents to continue the petitioner a Fair Price Shop Dealer of Tatipartivaripalem Village, Inkollu Mandal, Prakasam District, pending enquiry before the 2nd respondent.

**Counsel for the Petitioner : MR.K.SITA RAM**

**Counsel for the Respondents : GP FOR CIVIL SUPPLIES**

**The Court made the following :**

**THE HON'BLE MS. JUSTICE G.ROHINI**

**WRIT PETITION NO.16190 OF 2004**

**ORAL ORDER:**

Petitioner is the authorized dealer of the Fair Price Shop of Tatiparthivaripalem village, Inkollu Mandal, Prakasam District. Her authorization has been suspended by the 2nd respondent – Revenue Divisional Officer, Ongole, Prakasam District, by order, dated 12-08-2004 pending enquiry into the alleged irregularities in distribution of the essential commodities. Aggrieved by the same, the petitioner preferred an appeal along with an application for stay before the first respondent - Joint Collector, Ongole, Prakasam District. The First respondent - Joint Collector, Ongole, Prakasam District having entertained the appeal, by order dated 03-09-2004 while rejecting the application for stay, also ordered that the Revenue Divisional Officer, Ongole, shall finalise the enquiry pending against the petitioner within one month after affording an opportunity of personal hearing to the petitioner. The said order is under challenge in this writ petition.

I have heard the learned Counsel for the petitioner and learned Government Pleader for Civil Supplies appearing for the respondents.

The learned Counsel for the petitioner while pointing out that the impugned order is in the nature of a final order contends that the first respondent is not justified in disposing of the main appeal without notice to the petitioner and particularly without referring to any one of the contentions raised by the petitioner / appellant.

I find force in the contention of the learned Counsel for the petitioner. On a perusal of the impugned order, dated 03-09-2004, it appears that it is a final order in the appeal itself. Being the competent authority to hear the statutory appeal, the first respondent while disposing of the Appeal ought to have gone into the question whether the suspension of the authorization pending enquiry is warranted in the facts and circumstances of the case. However, since admittedly the enquiry initiated against the petitioner is still pending, I am of the view that no purpose will be served by remitting the matter to the 1st respondent – Joint Collector, Ongole for consideration of the Appeal afresh. Instead, I deem it appropriate to dispose of the writ petition with a direction to the 2nd respondent – Revenue Divisional Officer, Ongole, to complete the enquiry and to pass appropriate orders in accordance with law as expeditiously as possible preferably within a period of four weeks from the date of receipt of this order. Needless to mention that the Revenue Divisional Officer, Ongole, shall conduct the enquiry after affording due opportunity to the petitioner and following due process of law.

Writ petition is accordingly disposed of. No costs.

_____

10th September, 2004.

Note:_ CC in 3 days.

(B/O)

gbs

To

1 The Joint Collector, Prakasam District at Ongole
2 The Revenue Divisional Officer, Prakasam District at Ongole.
3 The Mandal Revenue Officer, Inkollu Mandal, Prakasam District.

4.2CCs to G.P. for Civil Supplies, High Court of AP Bldgs, Hyderabad(OUT).

5.2CD copies